

REMARKS

In the Office Action, the Examiner rejects claims 19-20, 27, 28, 30, 33, 34, 36 and 39 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2005/0137996 to Billsus et al. (hereinafter "BILLSUS") in view of U.S. Patent No. 6,643,661 to Polizzi et al. (hereinafter "POLIZZI"); rejects claims 21-25 and 41 under 35 U.S.C. § 103(a) as allegedly unpatentable over BILLSUS and POLIZZI, further in view of U.S. Patent No. 6,581,072 to Mathur et al. (hereinafter "MATHUR"); and rejects claim 35 under 35 U.S.C. § 103(a) as allegedly unpatentable over BILLSUS and POLIZZI, and further in view of U.S. Patent Application Publication No. 2005/0027666 to Beck et al. (hereinafter "BECK"). Applicants respectfully traverse these rejections.

By way of this Amendment, Applicants amend claims 19-20, 22-28, 30, 33-36, 39, and 41 to improve form, cancel claim 21 without prejudice or disclaimer, and add new dependent claims 42-45. No new matter has been added by the present Amendment. Claims 19-20, 22-28, 30, 33-36, 39, and 41-45 are pending.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI

Claims 19-20, 27, 28, 30, 33, 34, 36 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS in view of POLIZZI. Applicants respectfully traverse this rejection.

Amended independent claim 19 is directed to a method performed by a custom news server. The method includes permitting, by a processor of the custom news server, multiple users to access first news content contained in one or more news documents stored at the custom news server; receiving, by a communication interface or an input device of the custom news

server, a request to access a portion of the first news content; sending query data, in response to the request, to a news search server that is operable to crawl and aggregate news content from a plurality of news sources, where the query data includes a uniform resource locator (URL) associated with the requested portion of the first news content, and where the sending is performed by a communication interface or an output device of the custom news server; receiving, by the communication interface or the input device, second news content from the news search server based on the query data; incorporating, by the processor, the second news content into the one or more news documents; and permitting, by the processor, the multiple users to access the second news content at the custom news server, where the custom news server and the news search server comprise different network devices that are connected via a network. BILLSUS and POLIZZI, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, BILLSUS and POLIZZI, do not disclose or suggest sending query data, in response to a request to access a portion of first news content, to a news search server that is operable to crawl and aggregate news content from a plurality of news sources, where the query data includes a uniform resource locator (URL) associated with the requested portion of the first news content, and where the sending is performed by a communication interface or an output device of the custom news server, as recited in amended claim 19. This feature is similar to a feature previously recited in claim 21 (now canceled). The Examiner rejected claim 21 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and MATHUR. Therefore, Applicants will address claim 19 (and claims 20, 27, and 28, which depend from claim 19) as if rejected under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and MATHUR.

In rejecting claim 21, the Examiner admits that BILLSUS and POLIZZI do not disclose the above-identified feature and relies on col. 11, lines 25-33 of MATHUR for allegedly disclosing this feature (Office Action, p. 11). Applicants disagree with the Examiner's interpretation of MATHUR.

Col. 11, lines 25-33 of MATHUR disclose:

Index server 106 then communicates the index information configured in step 302 to user system 102 (step 304). The index information comprises information about web pages accessible via communication network 108. The index information may include information identifying the web pages, information identifying the location of the web pages (e.g. URLs corresponding to the web pages, information about servers storing the web pages, etc.), information related to the contents of the web pages (e.g. concepts/topics/subjects discussed by the web pages), and other information related to the web pages. The index information is generally organized in a manner which facilitates identification of web pages and/or locations of the web pages based on criteria related to the web pages and/or their contents. The criteria may include words occurring in the web pages, concepts or topics discussed by the web pages, contents of the web pages, servers storing the web pages, and other attributes of the web pages.

This section of MATHUR discloses an index server that communicates index information to a user system. The index information comprises information about web pages accessible via a communication network, and includes identifying information, such as URLs, information about the contents of the web pages, and other related information. This section of MATHUR does not disclose or suggest that the index information includes query data. This section of MATHUR also does not disclose or suggest that the index information is sent in response to a request to access a portion of news content. Furthermore, this section of MATHUR does not disclose or suggest that the index information is sent from a custom news server to a news search server. Rather, this section of MATHUR discloses sending index information from an index server to a client device. Therefore, this section (or any other section) of MATHUR does not disclose or suggest sending query data, in response to a request to access a portion of first news content, to a news search server that is operable to crawl and aggregate news content from a plurality of news sources, where the query data includes a uniform resource locator (URL) associated with the

requested portion of the first news content, and where the sending is performed by a communication interface or an output device of the custom news server, as recited in amended claim 19.

Therefore, even if BILLSUS and POLIZZI were to be combined with MATHUR, the combination would not disclose or suggest each of the features of amended claim 19. Further, even if for the sake of argument, the combination of BILLSUS, POLIZZI, and MATHUR could be fairly construed to disclose or suggest each of the features of amended claim 19, Applicants assert that the reasons for combining BILLSUS, POLIZZI, and MATHUR do not satisfy the requirements of 35 U.S.C. § 103.

For example, with respect to the reasons for combining BILLSUS, POLIZZI, and MATHUR, the Examiner alleges (Office Action, p. 11):

It would have been obvious to a person of ordinary skill in the data processing art at the time the invention was made to modify Billsus and Polizzi's system to incorporate the query data comprising a URL as taught by Mathur, thus enabling identification of documents of interest with minimal user intervention.

Applicants submit that the Examiner's allegation is merely a conclusory statement of an alleged benefit of the combination. Such conclusory statements have been repeatedly held to be insufficient for establishing a *prima facie* case of obviousness. In this respect, Applicants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. 398, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. In this case, no articulated reasoning has been provided.

Furthermore, the Examiner relies on extracted text from one or more accessed documents, as disclosed in paragraph [0035] of BILLSUS for allegedly corresponding to the

query data, as recited in claim 19 (Office Action, p. 3). The Examiner has not explained how a URL sent by an index server to a client device, as disclosed by MATHUR, could be incorporated into the text that is extracted by a client module and sent to a server module, as disclosed by BILLSUS, or how such a URL of MATHUR would be used in the formation of a digest disclosed by BILLSUS. Applicants submit that the Examiner has not provided a sufficient explanation for how or why such a hypothetical combination would function. Therefore, a *prima facie* case of obviousness with respect to claim 19 has not been established.

Applicants further submit that amended claim 19 provides benefits that are not realizable by a combination of BILLSUS, POLIZZI, and MATHUR. For example, the method of amended claim 19 allows a news search server to identify a group of additional news content based on a URL of news content selected by a user at a custom news server (see paragraphs [0043]-[0044] of the specification). BILLSUS, POLIZZI, and MATHUR, whether taken alone or in any reasonable combination, cannot provide such a benefit.

For at least the foregoing reasons, Applicants submit that claim 19 is patentable over BILLSUS and POLIZZI, or BILLSUS, POLIZZI, and MATHUR, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI, or BILLSUS, POLIZZI, and MATHUR, be reconsidered and withdrawn.

Claims 20, 27, and 28 depend from claim 19. Therefore, these claims are patentable over BILLSUS and POLIZZI, or BILLSUS, POLIZZI, and MATHUR, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 19. Accordingly, Applicants respectfully request that the rejection of claims 20, 27, and 28 under 35

U.S.C. § 103(a) based on BILLSUS and POLIZZI ,or BILLSUS, POLIZZI, and MATHUR, be reconsidered and withdrawn.

Amended independent claim 30 is directed to a system that includes a first server to store a document local to the first server, where the document includes news content that contains embedded search queries, the document being created by the first server, and send a search query that was embedded within the news content across at least a portion of a network to a second server, in response to a user accessing the locally created document; and the second server to crawl a corpus of news documents hosted at a plurality of remote servers to obtain news content, search the news content based on the search query to obtain search results, and provide particular news content to the first server based on the search results; the first server further to permit a plurality of users to access, from across the network, the locally created document with the news content and the particular news content received from the second server, where the first server, the second server, and the plurality of remote servers comprise different network devices that connect to the network. BILLSUS and POLIZZI, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, BILLSUS and POLIZZI, do not disclose or suggest a first server to store a document local to the first server, where the document includes news content that contains embedded search queries, the document being created by the first server, as recited in claim 30. The Examiner relies on paragraph [0035] of BILLSUS for allegedly disclosing this feature (Office Action, p. 5). Applicants disagree with the Examiner's interpretation of BILLSUS.

Paragraph [0035] of BILLSUS discloses:

In various exemplary embodiment, the client module 20 performs various functions, selected from a list including, but not limited to, extracting text 21 from one or more accessed documents 52 developed using

commonly-used productivity applications 50, proactively transmitting 22 the extracted text to the server module 30, proactively notifying the user 23 of the existence of closely related previously accessed content found, providing an electronic connection 24 to closely related previously accessed content found, providing an explicit history 25 of the user's content found, accessed and/or retrieved, providing a menu 26 including a digest generation component used to specify a digest to be generated by the server module 30, and the like functions.

This section of BILLSUS discloses extracting text from one or more accessed documents developed using a productivity application, transmitting the extracted text to a server, notifying the user of the existence of closely related previously accessed content found, providing a connection to the previously accessed content, providing an explicit history of the found content, and providing a digest to be generated. The Examiner appears to rely on the extracted text as allegedly corresponding to an embedded search query. Applicants submit that text extracted from a document cannot be reasonably held to correspond to an embedded search query. For example, an embedded search query is a query that is included in the code, such as a markup language code, of a document, and is executed when the document is accessed. In contrast, BILLSUS discloses that client module 20 is embedded into a commonly-used application, such as a browser (see paragraph [0032] of BILLSUS). Therefore, client module 20, which performs the extraction of the text, is not embedded in news content, but rather is embedded in an application that is not associated with any specific documents (such as news content). Therefore, this section (or any other section) of BILLSUS does not disclose or suggest news content that contains embedded search queries. Thus, this section of BILLSUS does not disclose or suggest a first server to store a document local to the first server, where the document includes news content that contains embedded search queries, the document being created by the first server, as recited in claim 30.

POLIZZI does not overcome the deficiencies of BILLSUS set forth above with respect to claim 30.

For at least the foregoing reasons, Applicants submit that claim 30 is patentable over BILLSUS and POLIZZI, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI be reconsidered and withdrawn.

Amended independent claim 33 recites features similar to, yet possibly of different scope than, features discussed above with respect to claim 30. Therefore, claim 33 is patentable over BILLSUS and POLIZZI, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons set forth above with respect to claim 30. Accordingly, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI be reconsidered and withdrawn.

Claims 34 and 39 depend from claim 33. Therefore, these claims are patentable over BILLSUS and POLIZZI, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 33. Accordingly, Applicants respectfully request that the rejection of claims 34 and 39 under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI be reconsidered and withdrawn.

Amended independent claim 36 is directed to one or more physical memory devices storing instructions executable by one or more processors, comprising instructions to embed search queries within news content documents stored at a custom news server, where the embedded search queries comprise an applet or an iframe; receive a selection of one of the news content documents from a user at a client; retrieve one of the embedded search queries in response to receiving the selection of the one of the news content documents; send query data, comprising the one of the embedded search queries, to a news search server that has crawled a corpus of news documents hosted on other servers and stored information associated with the

crawled documents in a repository of crawled documents; receive news content from the news search server that is related to the query data; and populate one or more documents of the news content documents with the received news content for access by the user. BILLSUS and POLIZZI, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, BILLSUS and POLIZZI do not disclose or suggest instructions to embed search queries within news content documents stored at a custom news server, where the embedded search queries comprise an applet or an iframe, as recited in amended claim 36. The Examiner relies on paragraph [0035] of BILLSUS for allegedly disclosing “embedding search queries of news content documents stored at a first server” (Office Action, p. 9). Applicants submit that this section (or any other section) of BILLSUS does not disclose or suggest the above-noted feature of amended claim 36.

Paragraph [0035] of BILLSUS was reproduced above. This section of BILLSUS discloses extracting text from one or more accessed documents developed using a productivity application, transmitting the extracted text to a server, notifying the user of the existence of closely related previously accessed content found, providing a connection to the previously accessed content, providing an explicit history of the found content, and providing a digest to be generated. The Examiner appears to rely on the extracted text from the one or more accessed documents as allegedly corresponding to an embedded search query (Office Action, p. 9). Even if it is assumed, for the sake of argument, that the extracted text from one or more accessed documents can be reasonably interpreted to correspond to embedded search queries (a point Applicants do not concede), this section of BILLSUS does not disclose or suggest that the extracted text from one or more accessed documents includes an applet or an iframe, as would be

required by amended claim 36 based on the Examiner's interpretation of BILLSUS. Therefore, this section of BILLSUS does not disclose or suggest instructions to embed search queries within news content documents stored at a custom news server, where the embedded search queries comprise an applet or an iframe, as recited in amended claim 36.

POLIZZI does not overcome the deficiencies of BILLSUS set forth above with respect to claim 36.

For at least the foregoing reasons, Applicants submit that claim 36 is patentable over BILLSUS and POLIZZI, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request that the rejection of claim 36 under 35 U.S.C. § 103(a) based on BILLSUS and POLIZZI be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and MATHUR

Pending claims 22-25 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS and POLIZZI, further in view of MATHUR. Applicants respectfully traverse this rejection.

Claims 22-25 depend from claim 19. Therefore, these claims are patentable over BILLSUS, POLIZZI, and MATHUR, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 19. Accordingly, Applicants respectfully request that the rejection of claims 22-25 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and MATHUR be reconsidered and withdrawn.

Claim 41 depends from claim 33. Without acquiescing in the Examiner's rejection of claim 41, Applicants submit that MATHUR does not overcome the deficiencies of BILLSUS and POLIZZI set forth above with respect to claim 33. Therefore, this claim is patentable over

BILLSUS, POLIZZI, and MATHUR, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 33. Accordingly, Applicants respectfully request that the rejection of claim 41 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and MATHUR be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and BECK

Claim 35 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS and POLIZZI, further in view of BECK. Applicants respectfully traverse this rejection.

Claim 35 depends from claim 33. Without acquiescing in the Examiner's rejection of claim 35, Applicants submit that BECK does not overcome the deficiencies of BILLSUS and POLIZZI set forth above with respect to claim 33. Therefore, claim 35 is patentable over BILLSUS, POLIZZI, and BECK, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 33. Accordingly, Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and BECK be reconsidered and withdrawn.

New Claims

Claims 42 and 43 depend from claim 30. Therefore, these claims are patentable over BILLSUS and POLIZZI for at least the reasons set forth above with respect to claim 30.

Claims 44 and 45 depend from claim 36. Therefore, these claims are patentable over BILLSUS and POLIZZI for at least the reasons set forth above with respect to claim 36.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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